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Government of Kerala
2025

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കേരള ഗസറ്റ്
KERALA GAZETTE
അസാധാരണം
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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വ്യാഴം
Thiruvananthapuram,
Thursday

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No. 3418

SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. KLS/7702/2025-Legin2. *Dated, Thiruvananthapuram, 25th September, 2025*

THE KERALA EXCESS LAND IN PRIVATE HOLDING (REGULARIZATION) BILL, 2025 together with the Statement of Objects and Reasons, the Financial Memorandum and the Memorandum regarding Delegated Legislation is published under Rule 69(5) of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

DR. N. Krishna Kumar,
Secretary.

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Fifteenth Kerala Legislative Assembly
Bill No. 272

[Translation in English of "2025-ലെ കേരള സ്വകാര്യ കൈവശത്തിലുള്ള അധികഭൂമി (ക്രമവത്ക്കരണ) ബിൽ" published under the authority of the Governor.]

THE KERALA EXCESS LAND IN PRIVATE HOLDING (REGULARIZATION) BILL, 2025

A

Bill

to provide for a Certificate of Ownership in accordance with law to individual/individuals who are in possession and enjoyment of excess land when the land records are authenticated through digital survey in the State of Kerala, so as to avoid unnecessary litigation by protecting the Government land and to provide for the regularization of ownership of such excess land in possession and enjoyment of individuals, if such excess land is held undisputed, lawfully and free from litigation;

Preamble:- WHEREAS, it is expedient to provide for a Certificate of Ownership in accordance with law to individual/individuals who are in possession and enjoyment of excess land when the land records are authenticated through digital survey in the State of Kerala, so as to avoid unnecessary litigation by protecting the Government land and to provide for the regularization of ownership of such excess land in possession and enjoyment of individuals, if such excess land is held undisputed, lawfully and free from litigation;

Be it enacted in the Seventy- sixth Year of the Republic of India, as follows:-

1. *Short title and commencement.*- (1) This Act may be called the Kerala Excess Land in Private Holding (Regularization) Act, 2025.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force on such date as the Government may, by notification in the Gazette, appoint, and different dates may be appointed for different areas.

2. *Definitions.*- In this Act, unless the context otherwise requires,-

(a) "excess land holding" means a land within the undisputed boundaries of which a person is in possession of complete ownership without any objection, and for which land tax is being paid, and was included along with the said land, without any title deed, while receiving the land through a written deed, and after completion of the digital re-survey process, it was recorded in the digital re-survey records that excess land is in possession than that in the title deed, which is undisputed and not subject to any litigation, and shall not include Government land or land vested to Government or to any person or institution by any law for the time being in

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force;

Explanation 1: For the purpose of this Act, “title deed” may include a deed, decree, settlement register or adangal.

Explanation 2: For the purpose of this Act, “person” may include firm, company and body corporate.

(b) “digital re-survey” means re-survey conducted in the State of Kerala as per the instructions of the Government, with the assistance of modern technological equipments, under the auspices of the Department of Survey and Land Records and does not include digital survey conducted by any agencies or by individuals or agencies at the request of land owners;

(c) “Certificate of Ownership” means document issued in accordance with the provisions of this Act and the rules made thereunder in respect of the title of the excess land identified;

Note 1: A copy of the Certificate of Ownership so granted shall be maintained in the digital database of the Revenue Department.

Note 2: The Certificate of Ownership so granted shall be a document registered under the Registration Act, 1908 (Central Act 16 of 1908).

(d)“private land” means land held by a person by way of possession, enjoyment and title deed and received by way of authoritative title deed like sale deed, gift, partition, will and exchange but does not include land exempted under the Kerala Land Reforms Act, 1963 (1 of 1964), or land assigned by any laws or rules of land assignment, or assigned under Kerala Land Reforms Act or land granted by the Government on lease or grant;

(e)“regularization” means regularization of the ownership of non-objectionable excess land;

(f) “Government” means the Government of Kerala;

(g) “prescribed” means prescribed by rules made under this Act;

(h) “notification" means notification published in the Official Gazette.

3. *Act to have overriding effect.*- Notwithstanding anything contained in any other laws and rules for the time being in force, the provisions of this Act shall have effect over the laws and rules, made in respect of the holding of excess land, ownership, digital re-survey, Certificate of Ownership on excess land holding.

4. *Granting Certificate of Ownership to excess land in possession*.- (1) On completion of the digital re-survey and after making the survey records effective, if it is found that a person is in possession of excess land

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on the basis of the records therein, such person may duly submit an application for obtaining the right over such excess land on the basis of the conditions, provisions and rules made under this Act, before the prescribed authority in the prescribed manner, and if the application so received is found to be correct on the basis of facts, documents and evidence, a Certificate of Ownership may be granted subject to the provisions of the Act and rules in the prescribed form, conditions and subject to the limit as may be prescribed:

Provided that if the Government land is adjacent to such excess land claimed by a person who is in possession of it, then Certificate of Ownership shall not be granted for such excess land if it causes any reduction in the extend of Government land.

(2) The authorities for regularizing the ownership, based on the maximum extend of land that can be regularized under sub-section (1) and based on the nature of land, shall be as may be prescribed.

(3) The Certificate of Ownership shall be the authoritative document of such excess land and it serves as the basic document for the transfer of such excess land.

(4) If there is dispute regarding the regularization of excess land, the certificate shall be granted only after resolving the same.

(5) Any applicant having objection on the decision of an authority or any person aggrieved by the decision taken by an authority upon an application for Certificate of Ownership, on such application may, within sixty days from the date of such decision, prefer an appeal before the authority on payment of such fees in the manner as may be prescribed:

Provided that if the Appellate Authority is satisfied that there was sufficient cause for not filing the appeal in time, he shall have the power to condone the delay and extend the period for filing the appeal not exceeding sixty days.

5. *Review of Certificate of Ownership*.- The authority who grants Certificate of Ownership under this Act finds any error in it, or finds that the certificate has been granted on the basis of false documents, may, either on his own motion or on an application, review the same and take appropriate decision:

Provided that before taking such decision the parties concerned shall be given a reasonable opportunity of being heard:

Provided further that no such review shall be done in cases where an appeal or a court case is pending challenging the Certificate of Ownership.

6. *Bar of jurisdiction of civil court*.- No civil court shall have jurisdiction to dispose, adjudicate, deal with or determine any application or matter which is to be disposed or decided and ordered by the authorities

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concerned under this Act.

7. *Power to summon persons and take evidence*.- For the purpose of deciding the excess land holding, as per the provisions of this Act, the competent authority and the appellate authority shall have all the powers of a Civil Court while trying a suit under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) in respect of the following matters, namely:-

(a) summoning and enforcing the attendance of any person;

(b) requiring the discovery and production of any document;

(c) receiving evidence on oath or on affidavits;

(d) requisitioning any public record;

(e) issuing commissions for the examination of witnesses;

(f) to review its orders, decisions and suggestions; or

(g) any other matter which may be prescribed.

8. *Power to remove difficulties*.- (1) If any difficulty arises in giving effect to any of the provisions of this Act, the Government may, by order, not inconsistent with the provisions of this Act, remove such difficulty:

Provided that no such order shall be issued after the expiry of two years from the date of commencement of this Act.

(2) Every order issued under sub-section (1) shall be laid before the State Legislative Assembly as early as possible.

9. *Power to make rules.*- (1) The Government may, by notification in the Official Gazette, make rules either prospectively or retrospectively to carry out the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislature while it is in session for a total period of fourteen days, which may be comprised in one session or in two successive sessions and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

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STATEMENT OF OBJECTS AND REASONS

The digital survey process, which is being carried out at a rapid pace in the State of Kerala, is in its final stage. Once digital survey process gets completed in each village, the digital survey records will become the authoritative document regarding the land. During the digital survey, it has come to the notice of the Government that individuals are in possession and enjoyment of excess land undisputed, lawfully and without any objection. The Government is satisfied that it is appropriate to grant a Certificate of Ownership regarding such excess land after completing due procedures to respective individuals. The Government have decided to provide provisions for ensuring greater accuracy of land records by granting Certificate of Ownership to individuals in possession and thereby protecting the Government property.

The Bill seeks to achieve the above objects.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any additional expenditure from the Consolidated Fund of the State.

MEMORANDUM REGARDING DELEGATED LEGISLATION

1. Sub-clause (3) of clause 1 of the Bill seeks to empower the Government to issue notification for coming into force of the provisions of this Act for different areas on different dates.

2. Clause 4 of the Bill seeks to empower the Government,-

(i) Sub-clause (1) of the Bill, prescribe, the competent authority for granting Certificate of Ownership for excess land in possession, the manner in which the application for ownership of excess land to be submitted, the maximum extend of excess land and the format and conditions of the said Certificate of Ownership;

(ii) Sub-clause (2), to prescribe the competent authority for regularizing the ownership of excess land on the basis of maximum extend of land for which ownership rights may be regularized and on the nature of the ownership of the land.

(iii) Sub-clause (5), to prescribe the appellate authority and appeal fees.

3. Item (g) of clause 7 of the Bill seeks to empower the Government to prescribe any other manner for performing the duties of a civil court, while summoning persons and taking evidence by a competent authority.

4. Sub-clause (1) of clause 8 of the Bill seeks to empower the Government to issue order not inconsistent with the provisions of this Bill, if any difficulty arises in giving effect to the provisions of this Bill.

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5. Sub-clause (1) of clause 9 of the Bill seeks to empower the Government to make rules by notification either prospectively or retrospectively for the purpose of carrying out the provisions of the Act.

6. The matters in respect of which rules may be made or notifications or orders issued are matters of procedure and are of routine or administrative in nature. Further, the rules, notifications or orders so made are subject to the scrutiny of the Legislative Assembly. The delegation of legislative power is therefore of a normal character.

K. RAJAN.

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